

HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BERNADETTE HIGHTOWER, on behalf of
herself and all others similarly situated,

Plaintiff,

v.

RECEIVABLES PERFORMANCE
MANAGEMENT, LLC,

Defendant.

Case No.: 2:22-cv-01683-RSM

**DECLARATION OF
PATRICK M. PASSARELLA OF KROLL
SETTLEMENT ADMINISTRATION LLC
IN CONNECTION WITH PRELIMINARY
APPROVAL OF SETTLEMENT**

I, Patrick M. Passarella, hereby declare:

1. I am a Senior Director of Kroll Settlement Administration LLC (“Kroll”),¹ the proposed Settlement Administrator to be appointed in the above-captioned case, whose principal office is located at 2000 Market Street, Suite 2700, Philadelphia, Pennsylvania 19103. I am over 21 years of age and am authorized to make this declaration on behalf of Kroll and myself. The following statements are based on my personal knowledge and information provided by other experienced Kroll employees working under my general supervision. This declaration is being filed in connection with preliminary approval of the Settlement.

2. Kroll has extensive experience in class action matters, having provided services in class action settlements involving antitrust, securities, labor and employment, consumer and government enforcement matters. Kroll has provided class action services in over 3,000 settlements varying in size and complexity over the past 50 years.

¹ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Settlement Agreement (as defined below).

1 3. Kroll is prepared to provide a full complement of notification and claims
2 administration services in connection with that certain Settlement Agreement and Release (the
3 “Settlement Agreement”) entered into this Action, including dissemination of notice by email, mail,
4 and through the use of a Settlement Website to be created in connection with this matter.

5 4. It is Kroll’s understanding that it will be provided with a list of Settlement Class
6 Members covered under the Settlement Agreement, and the Settlement Class List is to contain a
7 combination of full names, emails, and current or last known addresses of Settlement Class Members,
8 and other data elements pertinent to the administration of the Settlement.

9 **Notice by Email**

10 5. In preparation for disseminating the Short Form Notice by email (the “Email Notice”),
11 attached as Exhibit 1 to the Settlement Agreement, Kroll will work with Class Counsel and RPM’s
12 Counsel (collectively, “Counsel”) to finalize the language for the Email Notice, which Kroll has
13 already previously reviewed with Counsel. Once the Email Notice is approved, Kroll will create an
14 Email Notice template in preparation for the email campaign. Kroll will prepare a file with all
15 Settlement Class Member email addresses and upload the file to an email campaign platform. Kroll
16 will prepare email proofs for Counsel’s review and final approval. The proofs/test emails for approval
17 will include the body of the email and subject line. Once the proofs/test emails are approved, the
18 email campaign will begin as directed in the Settlement Agreement. These emails will be based
19 primarily on the substance of the language contained in the Short Form Notice and Long Form Notice
20 submitted by Plaintiffs for this Court’s consideration on preliminary approval.

21 6. Kroll will track and monitor emails that are rejected or “bounced back” as
22 undeliverable. At the conclusion of the email campaign, Kroll will provide a report with the email
23 delivery status of each record. The report will include the number of records that had a successful
24 Email Notice delivery, and a count of the records where delivery failed. Kroll will also update its
25 administration database with the appropriate status of the email campaign for each of the Settlement
26 Class Member records.

27 7. If the Email Notice was delivered successfully, no further action will be taken with
28 respect to the particular Settlement Class Member record.

1 8. For Email Notices rejected or “bounced back” as undeliverable, Kroll will send a Short
2 Form Notice by first-class mail to the physical address for that record if available, as described below.

3 **Notice by Mail**

4 9. Kroll will work with Counsel to format the Short Form Notice for mailing, if
5 necessary. Upon approval, Kroll will coordinate the preparation of Short Form Notice proofs for
6 Counsel’s review and final approval.

7 10. As required under Section IX, paragraph 73 of the Settlement Agreement, Kroll will
8 send the Short Form Notice by first-class mail to the physical addresses of Settlement Class Members:
9 1) who have only a physical mailing address (and no email address) in the Settlement Class List to be
10 provided by Defendant; or 2) whose Email Notice bounced back and a physical mailing address is
11 included in the Settlement Class List.

12 11. In preparation for the Short Form Notice mailing, Kroll will send the Settlement Class
13 List through the United States Postal Service’s (“USPS”) National Change of Address (“NCOA”)
14 database. The NCOA process will provide updated addresses for Settlement Class Members who
15 have submitted a change of address with the USPS in the last 48 months, and the process will also
16 standardize the addresses for mailing. Kroll will then prepare a mail file of Settlement Class Members
17 that are to receive the Short Form Notice via first-class mail.

18 12. As directed by Counsel, Short Form Notices returned by the USPS with a forwarding
19 address will be automatically re-mailed to the updated address provided by the USPS.

20 13. As directed by Counsel, Short Form Notices returned by the USPS undeliverable as
21 addressed without a forwarding address will be sent through an advanced address search process in
22 an effort to find a more current address for the Settlement Class Member. If an updated address is
23 obtained through the advanced address search process, Kroll will re-mail the Short Form Notice to
24 the updated address.

25 **Settlement Website**

26 14. Kroll will work with Counsel to create a dedicated Settlement Website. The Settlement
27 Website URL will be determined and approved by Counsel. The Settlement Website will contain a
28 summary of the Settlement, will allow Settlement Class Members to contact the Settlement
Administrator with any questions or changes of address, will provide notice of important dates such

1 as the Final Approval Hearing, Claims Deadline, Objection Deadline, and Opt-Out Deadline, and will
2 provide Settlement Class Members who file Claim Forms online the opportunity to select an
3 electronic payment method, including Venmo, Zelle, Paypal, ACH, or payment by check. The
4 Settlement Website will also contain relevant case documents including the Long Form Notice, the
5 Settlement Agreement, Plaintiffs' motion for preliminary approval of the Settlement, the Preliminary
6 Approval Order, Plaintiffs' motion for an award of attorneys' fees, costs, and expenses, and/or service
7 awards (upon filing), the operative complaint in the Action, and any other materials agreed upon by
8 the Parties and/or required by the Court.

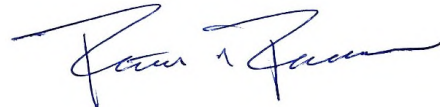
9 **Toll-Free Telephone Number**

10 15. Kroll will also establish a toll-free telephone number for the Settlement. The toll-free
11 telephone number will allow Settlement Class Members to call and obtain information about the
12 Settlement through an Interactive Voice Response ("IVR") system and live operator option.
13 Settlement Class Members may also request copies of the Long Form Notice and Claim Form, as well
14 as the Settlement Agreement.

15 **Post Office Box**

16 16. Kroll will designate a post office box with the mailing address *RPM Data Incident*
17 *Settlement*, c/o Kroll Settlement Administration LLC, PO Box 225391, New York, NY 10150-5391,
18 in order to receive Requests for Exclusion, objections, Claim Forms, and correspondence from
19 Settlement Class Members.

20 I declare under penalty of perjury under the laws of the United States that the above is true and
21 correct to the best of my knowledge and that this declaration was executed on July 17, 2024, in
22 Delaware, Ohio.

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24
25 PATRICK M. PASSARELLA